

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BERT DAILING,

Defendant.

NO. CR17-261RAJ

PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

Any material designated by the United States as Protected Material shall be subject to the terms of this Order. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations and pursuant to the procedures set forth in this Order. Possession of copies of the Protected Materials is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team).

1           2.     Scope of Review of Protected Material

2           The attorneys of record and members of the defense team may display and review  
3 the Protected Material with the Defendant. The attorneys of record and members of the  
4 defense team acknowledge that providing copies (in any form, including in the form of  
5 transcriptions) of the Protected Material to the Defendant and other persons is prohibited,  
6 and agree not to duplicate or provide copies of Protected Material to the Defendant and  
7 other persons. Further, the attorneys of record for the Defendant are required, prior to  
8 disseminating any copies of the Protected Material to permitted recipients, such as other  
9 members of the defense team, to provide a copy of this Protective Order to those  
10 permitted recipients, and to obtain the written consent by those recipients of the terms  
11 and conditions of this Protective Order. Such written consent shall not, however, be  
12 required with respect to members of the defense team who are employed by the same  
13 office as the attorneys of record; in such case, it shall be sufficient for the attorneys of  
14 record to provide a copy of this Protective Order to such other members of the defense  
15 team and to remind them of their obligations under the Order. The written consent need  
16 not be disclosed or produced to the United States unless requested by the United States  
17 Attorney's Office for the Western District of Washington and ordered by the Court.

18           The United States Attorney's Office for the Western District of Washington is  
19 similarly allowed to display the Protected Material to, and review the Protected Material  
20 with, lay witnesses, but is otherwise prohibited from providing copies of the Protected  
21 Material to lay witnesses, i.e. non-law enforcement witnesses.

22           3.     Parties' Reciprocal Discovery Obligations

23           Nothing in this order should be construed as imposing any discovery obligations  
24 on the government or the Defendants that are different from those imposed by case law  
25 and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2  
3  
4  
5  
6  
7  
8

4  
5  
6  
7  
8